

REMARKS

Claims 1-12 are pending in this application. Claims 13-18 have been added.

The Office Action dated December 14, 2004, has been received and carefully reviewed. In that Office Action, claims 1-9 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Hess. Claims 10 and 11 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if amended to include the limitations of their base claims. Because it is believed that independent claim 1 from which claims 10 and 11 depend distinguishes over the references of record in its present form, claims 10 and 11 are not being amended at this time. Reconsideration and allowance of claims 1-12 and examination and allowance of claims 13-18 is respectfully requested in view of the following remarks.

As an initial matter, it is noted that an IDS was filed in this application on January 30, 2002. However, the December 14, 2004, Office Action does not include a copy of the PTO-1449 from that IDS initialed by the examiner to show that the references thereon were considered. It is respectfully requested that the examiner provide such an initialed PTO-1449 with the next communication.

Independent claim 1 stands rejected as being anticipated by Hess. Claim 1 requires a method for the dynamic allocation of

radio channels that includes a step of allocating channels in a timeslot having a priority value increasing with the path loss of a signal in such a way that the services employing the number of channels are allocated in timeslots having priority values increasing with the path loss of the signal. In other words, a signal having a high path loss is given a channel with a high priority and a signal having a lower path loss is given a channel having a lower priority.

Hess does not show or suggest such a step. Instead, Hess monitors the quality of alternate communication resources and prioritizes the quality of these alternates. When the quality of the communication resource in use becomes unacceptable, a switch is made to one of the alternate communication resources. Hess only prioritizes the alternate communication resources - there is no indication that the communication resource in use has a priority. Hess also discusses a single communication link - no comparison is made between multiple communication links. There is no suggestion that an allocation based on path losses and priority values be carried out. For at least these reasons, it is respectfully submitted that claim 1 is allowable over Hess.

Claims 2-12 depend from claim 1 and are submitted to be allowable for the same reasons as claim 1.

New claim 13 is also submitted to be allowable over the art of record. Claim 13 requires a method for the dynamic allocation of a

set of channels to each of a plurality of communication services that includes steps of determining priority values for timeslots, determining the path loss of each of a plurality of communication service requests, and assigning the communication request having the highest path loss to the timeslot having the highest priority. This method is not shown or suggested by the prior art, and claim 13 is submitted to be allowable. Claims 14-18 depend from claim 13 and are submitted to be allowable for at least the same reasons as claim 13.

Conclusion

Each issue raised in the Office Action dated December 14, 2004, has been addressed, and it is believed that claims 1-18 are in condition for allowance. Wherefore reconsideration and allowance of claims 1-12 and the examination and allowance of claims 13-18 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any


overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680


MKM/STW
3606-0120P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000